

Calendar No. 610

109TH CONGRESS
2D SESSION

S. 3001

To ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2006

Mr. SPECTER (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 13, 2006

Reported by Mr. SPECTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Intelligence
3 Surveillance Improvement and Enhancement Act of
4 2006”.

5 **TITLE I—CONSTRUCTION OF**
6 **FOREIGN INTELLIGENCE**
7 **SURVEILLANCE AUTHORITY**

8 **SEC. 101. REITERATION OF CHAPTERS 119, 121, AND 206 OF**
9 **TITLE 18, UNITED STATES CODE, AND FOR-**
10 **EIGN INTELLIGENCE SURVEILLANCE ACT OF**
11 **1978 AS EXCLUSIVE MEANS BY WHICH DOMES-**
12 **TIC ELECTRONIC SURVEILLANCE MAY BE**
13 **CONDUCTED.**

14 (a) **EXCLUSIVE MEANS.**—Notwithstanding any other
15 provision of law, chapters 119, 121, and 206 of title 18,
16 United States Code, and the Foreign Intelligence Surveil-
17 lance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the
18 exclusive means by which electronic surveillance may be
19 conducted on a United States person in the United States.

20 (b) **AMENDMENT TO FOREIGN INTELLIGENCE SUR-**
21 **VEILLANCE ACT OF 1978.**—Section 109(a) of the Foreign
22 Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a))
23 is amended by striking “authorized by statute” each place
24 it appears and inserting “authorized by this title or chap-
25 ter 119, 121 or 206 of title 18, United States Code”.

1 (e) AMENDMENT TO TITLE 18, UNITED STATES
 2 CODE.—Section 2511(2)(a)(ii)(B) of title 18, United
 3 States Code, is amended by striking “statutory require-
 4 ments” and inserting “requirements under the Foreign In-
 5 telligence Surveillance Act of 1978 (50 U.S.C. 1801 et
 6 seq.); this chapter, or chapters 121 or 206 of this title”.

7 **SEC. 102. SPECIFIC AUTHORIZATION REQUIRED FOR ANY**
 8 **REPEAL OR MODIFICATION OF TITLE I OF**
 9 **THE FOREIGN INTELLIGENCE SURVEIL-**
 10 **LANCE ACT OF 1978.**

11 (a) IN GENERAL.—Title I of the Foreign Intelligence
 12 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is
 13 amended by inserting after section 109 the following new
 14 section:

15 “SPECIFIC AUTHORIZATION REQUIRED FOR ANY REPEAL
 16 OR MODIFICATION OF TITLE

17 “SEC. 109A. No provision of law shall be construed
 18 to implicitly repeal or modify this title or any provision
 19 thereof, nor shall any provision of law be deemed to repeal
 20 or modify this title in any manner unless such provision
 21 of law, if enacted after the date of the enactment of the
 22 Foreign Intelligence Surveillance Improvement and En-
 23 hancement Act of 2006, expressly amends or otherwise
 24 specifically cites this title.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 for that Act is amended by inserting after the item relat-
 3 ing to section 109 the following new item:

“Sec. 109A. Specific authorization required for any repeal or modification of
 title.”.

4 **SEC. 103. PROHIBITION ON USE OF FUNDS FOR ELEC-**
 5 **TRONIC SURVEILLANCE NOT AUTHORIZED**
 6 **BY LAW.**

7 Commencing on the effective date of this Act, no
 8 funds appropriated or otherwise made available by any Act
 9 may be obligated or expended to conduct electronic surveil-
 10 lance (as defined in section 101(f) of the Foreign Intel-
 11 ligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), ex-
 12 cept in accordance with the provisions of law as follows:

13 (1) Title I of the Foreign Intelligence Surveil-
 14 lance Act of 1978 (50 U.S.C. 1801 et seq.).

15 (2) Title IV of the Foreign Intelligence Surveil-
 16 lance Act of 1978 (50 U.S.C. 1841 et seq.).

17 (3) Chapter 119 of title 18, United States
 18 Code.

19 (4) Chapter 121 of title 18, United States
 20 Code.

21 (5) Chapter 206 of title 18, United States
 22 Code.

1 **SEC. 104. INFORMATION FOR CONGRESS ON THE TER-**
2 **RORIST SURVEILLANCE PROGRAM AND SIMI-**
3 **LAR PROGRAMS.**

4 As soon as practicable after the date of the enactment
5 of this Act, but not later than seven days after such date,
6 the President shall brief and inform each member of the
7 congressional intelligence committees on the following:

8 (1) The Terrorist Surveillance Program of the
9 National Security Agency.

10 (2) Any program which involves, whether in
11 part or in whole, the electronic surveillance of
12 United States persons in the United States for for-
13 eign intelligence purposes, and which is conducted
14 by any department, agency, or other element of the
15 United States Government, or by any entity at the
16 direction of a department, agency, or other element
17 of the United States Government, without fully com-
18 plying with the procedures set forth in the Foreign
19 Intelligence Surveillance Act of 1978 (50 U.S.C.
20 1801 et seq.) or chapter 119, 121, or 206 of title
21 18, United States Code.

1 **TITLE II—APPLICATIONS AND**
 2 **PROCEDURES FOR ELEC-**
 3 **TRONIC SURVEILLANCE FOR**
 4 **FOREIGN INTELLIGENCE**
 5 **PURPOSES**

6 **SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR**
 7 **ORDERS FOR EMERGENCY ELECTRONIC SUR-**
 8 **VEILLANCE.**

9 Section 105(f) of the Foreign Intelligence Surveil-
 10 lance Act of 1978 (50 U.S.C. 1805(f)) is amended by
 11 striking “72 hours” both places it appears and inserting
 12 “168 hours”.

13 **SEC. 202. DELEGATION OF AUTHORITY TO APPROVE APPLI-**
 14 **CATIONS FOR ELECTRONIC SURVEILLANCE.**

15 (a) IN GENERAL.—Section 104 of the Foreign Intel-
 16 ligence Surveillance Act of 1978 (50 U.S.C. 1804) is
 17 amended—

18 (1) in subsection (a), by striking “Attorney
 19 General based upon his finding” and inserting “At-
 20 torney General (or a delegate of the Attorney General
 21 under subsection (f)) based upon a finding”; and

22 (2) by adding at the end the following new sub-
 23 section:

24 “(f) The Attorney General may delegate the authority
 25 to approve an application under this section for an order

1 approving electronic surveillance under this title to each
2 of the following:

3 ~~“(1) The Deputy Attorney General.~~

4 ~~“(2) The Assistant Attorney General for Na-~~
5 ~~tional Security.”.~~

6 (b) CONFORMING AMENDMENT.—Section 102(b) of
7 such Act (50 U.S.C. 1802(b)) is amended by inserting
8 “(or delegee of the Attorney General under section
9 104(f))” after “Attorney General”.

10 **SEC. 203. ADDITIONAL AUTHORITY FOR EMERGENCY ELEC-**
11 **TRONIC SURVEILLANCE.**

12 Section 105 of the Foreign Intelligence Surveillance
13 Act of 1978 (50 U.S.C. 1805) is amended—

14 (1) by redesignating subsections (g), (h), (i),
15 and (j) as subsections (h), (i), (j), and (k), respec-
16 tively; and

17 (2) by inserting after subsection (f) the fol-
18 lowing new subsection (g):

19 “(g)(1)(A) Notwithstanding any other provision of
20 this title and subject to the provisions of this subsection,
21 the Attorney General may, with the concurrence of the Di-
22 rector of National Intelligence, appoint appropriate super-
23 visory or executive personnel within the Federal Bureau
24 of Investigation and the National Security Agency to au-
25 thorize electronic surveillance on a United States person

1 in the United States on an emergency basis pursuant to
2 the provisions of this subsection.

3 “(B) For purposes of this subsection, an intelligence
4 agent or employee acting under the supervision of a super-
5 visor or executive appointed under subparagraph (A) may
6 conduct emergency electronic surveillance under this sub-
7 section if such supervisor or executive reasonably deter-
8 mines that—

9 “(i) an emergency situation exists with respect
10 to the employment of electronic surveillance to ob-
11 tain foreign intelligence information before an order
12 authorizing such surveillance can with due diligence
13 be obtained; and

14 “(ii) the factual basis exists for the issuance of
15 an order approving such surveillance under this title.

16 “(2) The supervisors and executives appointed by the
17 Attorney General under paragraph (1) may only be offi-
18 cials as follows:

19 “(A) In the case of the Federal Bureau of In-
20 vestigation, officials at or above the level of Special
21 Agent in Charge.

22 “(B) In the case of the National Security Agen-
23 cy, officials at or above the level of head of branch
24 of the National Security Agency.

1 “(3) A supervisor or executive responsible for the
2 emergency employment of electronic surveillance under
3 this subsection shall submit to the Attorney General (and,
4 if authorized by the Attorney General, to the Deputy At-
5 torney General and the Assistant Attorney General for
6 National Security) a request for approval of the surveil-
7 lance within 24 hours of the commencement of the surveil-
8 lance. The request shall set forth the ground for the belief
9 specified in paragraph (1), together with such other infor-
10 mation as the Attorney General shall require.

11 “(4)(A) The review of a request under paragraph (3)
12 shall be completed by the official concerned under that
13 paragraph as soon as practicable, but not more than 72
14 hours after the commencement of the electronic surveil-
15 lance concerned under paragraph (1).

16 “(B)(i) If the official concerned determines that the
17 electronic surveillance does not meet the requirements of
18 paragraph (1), the surveillance shall terminate imme-
19 diately and may not be recommenced by any supervisor
20 or executive appointed under paragraph (1), or any agent
21 or employee acting under the supervision of such super-
22 visor or executive, absent additional facts or changes in
23 circumstances that lead a supervisor or executive ap-
24 pointed under paragraph (1) to reasonably believe that the
25 requirements of paragraph (1) are satisfied.

1 “(ii) In the event of a determination under clause (i);
2 the Attorney General shall not be required, under section
3 106(j), to notify any United States person of the fact that
4 the electronic surveillance covered by such determination
5 was conducted before the termination of the surveillance
6 under that clause. However, the official making such de-
7 termination shall notify the court established by section
8 103(a) of such determination, and shall also provide notice
9 of such determination in the first report that is submitted
10 under section 108(a) after such determination is made.

11 “(C) If the official concerned determines that the sur-
12veillance meets the requirements of subsection (f), the sur-
13veillance may continue, subject to the requirements of
14 paragraph (5).

15 “(5)(A) An application in accordance with this title
16 shall be made to a judge having jurisdiction under section
17 103 as soon as practicable but not more than 168 hours
18 after the commencement of electronic surveillance under
19 paragraph (1).

20 “(B) In the absence of a judicial order approving
21 electronic surveillance commenced under paragraph (1),
22 the surveillance shall terminate at the earlier of—

23 “(i) when the information sought is obtained; or

1 “(ii) when the application under subparagraph
2 (A) for an order approving the surveillance is de-
3 nied; or

4 “(iii) 168 hours after the commencement of the
5 surveillance.

6 “(C) If an application under subparagraph (A) for
7 an order approving electronic surveillance commenced
8 under paragraph (1) is denied, or in any other case in
9 which the surveillance is terminated and no order approv-
10 ing the surveillance is issued by a court, the use of infor-
11 mation obtained or evidence derived from the surveillance
12 shall be governed by the provisions of subsection (f).

13 “(D) The denial of an application submitted under
14 subparagraph (A) may be reviewed as provided in section
15 103.

16 “(6) Any person who engages in the emergency em-
17 ployment of electronic surveillance under paragraph (1)
18 shall follow the minimization procedures otherwise re-
19 quired by this title for the issuance of a judicial order ap-
20 proving the conduct of electronic surveillance.

21 “(7) Not later than 30 days after appointing super-
22 visors and executives under paragraph (1) to authorize the
23 exercise of authority in that paragraph, the Attorney Gen-
24 eral, in consultation with the Director of National Intel-
25 ligence, shall submit to the Foreign Intelligence Surveil-

1 lance Court and the congressional intelligence committees;
 2 and bring up to date as required, a report that—

3 “(A) identifies the number of supervisors and
 4 executives who have been so appointed and the posi-
 5 tions held by such supervisors and executives; and

6 “(B) sets forth guidelines or other directives
 7 that describe the responsibilities of such supervisors
 8 and executives under this subsection.”.

9 **SEC. 204. FOREIGN INTELLIGENCE SURVEILLANCE COURT**
 10 **MATTERS.**

11 (a) **AUTHORITY FOR ADDITIONAL JUDGES.**—Section
 12 103(a) of the Foreign Intelligence Surveillance Act of
 13 1978 (50 U.S.C. 1803(a)) is amended—

14 (1) by inserting “(1)” after “(a)”;

15 (2) by designating the second sentence as para-
 16 graph (4) and indenting such paragraph, as so des-
 17 ignated, two ems from the left margin; and

18 (3) by inserting after paragraph (1), as so des-
 19 ignated, the following new paragraph:

20 “(2) In addition to the judges designated under para-
 21 graph (1), the Chief Justice of the United States may des-
 22 ignate as judges of the court established by paragraph (1)
 23 such judges appointed under Article III of the Constitu-
 24 tion of the United States as the Chief Justice determines
 25 appropriate in order to provide for the prompt and timely

1 consideration under section 105 of applications under sec-
 2 tion 104 for electronic surveillance under this title. Any
 3 judge designated under this paragraph shall be designated
 4 publicly.”.

5 (b) CONSIDERATION OF EMERGENCY APPLICA-
 6 TIONS.—Such section is further amended by inserting
 7 after paragraph (2), as added by subsection (a)(3) of this
 8 section, the following new paragraph:

9 “(3) A judge of the court shall make a determination
 10 to approve, deny, or seek modification of an application
 11 submitted pursuant to section subsection (f) or (g) of sec-
 12 tion 105 not later than 24 hours after the receipt of such
 13 application by the court.”.

14 **SEC. 205. DOCUMENT MANAGEMENT SYSTEM FOR APPLICA-**
 15 **TIONS FOR ORDERS APPROVING ELEC-**
 16 **TRONIC SURVEILLANCE.**

17 (a) SYSTEM REQUIRED.—The Attorney General
 18 shall, in consultation with the Director of the Federal Bu-
 19 reau of Investigation, the Director of the National Secu-
 20 rity Agency, and the Foreign Intelligence Surveillance
 21 Court, develop and implement a secure, classified docu-
 22 ment management system that permits the prompt prepa-
 23 ration, modification, and review by appropriate personnel
 24 of the Department of Justice, the Federal Bureau of In-
 25 vestigation, the National Security Agency, and other appli-

1 cable elements of the United States Government of appli-
 2 cations under section 104 of the Foreign Intelligence Sur-
 3 veillance Act of 1978 (50 U.S.C. 1804) before their sub-
 4 mittal to the Foreign Intelligence Surveillance Court.

5 (b) SCOPE OF SYSTEM.—The document management
 6 system required by subsection (a) shall—

7 (1) permit and facilitate the prompt submittal
 8 of applications to the Foreign Intelligence Surveil-
 9 lance Court under section 104 or 105(g)(5) of the
 10 Foreign Intelligence Surveillance Act of 1978; and

11 (2) permit and facilitate the prompt transmittal
 12 of rulings of the Foreign Intelligence Surveillance
 13 Court to personnel submitting applications described
 14 in paragraph (1).

15 **SEC. 206. ADDITIONAL PERSONNEL FOR PREPARATION**
 16 **AND CONSIDERATION OF APPLICATIONS FOR**
 17 **ORDERS APPROVING ELECTRONIC SURVEIL-**
 18 **LANCE.**

19 (a) OFFICE OF INTELLIGENCE POLICY AND RE-
 20 VIEW.—

21 (1) ADDITIONAL PERSONNEL.—The Office of
 22 Intelligence Policy and Review of the Department of
 23 Justice is hereby authorized such additional per-
 24 sonnel, including not fewer than 21 full-time attor-
 25 neys, as may be necessary to carry out the prompt

1 and timely preparation, modification, and review of
2 applications under section 104 of the Foreign Intel-
3 ligence Surveillance Act of 1978 (50 U.S.C. 1804)
4 for orders under section 105 of that Act (50 U.S.C.
5 1805) approving electronic surveillance for foreign
6 intelligence purposes.

7 (2) ASSIGNMENT.—The Attorney General shall
8 assign personnel authorized by paragraph (1) to and
9 among appropriate offices of the National Security
10 Agency in order that such personnel may directly as-
11 sist personnel of the Agency in preparing applica-
12 tions described in that paragraph.

13 (b) FEDERAL BUREAU OF INVESTIGATION.—

14 (1) ADDITIONAL LEGAL AND OTHER PER-
15 SONNEL.—The National Security Branch of the
16 Federal Bureau of Investigation is hereby authorized
17 such additional legal and other personnel as may be
18 necessary to carry out the prompt and timely prepa-
19 ration of applications under section 104 of the For-
20 eign Intelligence Surveillance Act of 1978 for orders
21 under section 105 of that Act approving electronic
22 surveillance for foreign intelligence purposes.

23 (2) ASSIGNMENT.—The Director of the Federal
24 Bureau of Investigation shall assign personnel au-
25 thorized by paragraph (1) to and among the field of-

1 fices of the Federal Bureau of Investigation in order
2 that such personnel may directly assist personnel of
3 the Bureau in such field offices in preparing applica-
4 tions described in that paragraph.

5 (c) ~~ADDITIONAL LEGAL AND OTHER PERSONNEL~~
6 ~~FOR NATIONAL SECURITY AGENCY.~~—The National Secu-
7 rity Agency is hereby authorized such additional legal and
8 other personnel as may be necessary to carry out the
9 prompt and timely preparation of applications under sec-
10 tion 104 of the Foreign Intelligence Surveillance Act of
11 1978 for orders under section 105 of that Act approving
12 electronic surveillance for foreign intelligence purposes.

13 (d) ~~ADDITIONAL LEGAL AND OTHER PERSONNEL~~
14 ~~FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.~~—
15 There is hereby authorized for the Foreign Intelligence
16 Surveillance Court such additional staff personnel as may
17 be necessary to facilitate the prompt and timely consider-
18 ation by that Court of applications under section 104 of
19 the Foreign Intelligence Surveillance Act of 1978 for or-
20 ders under section 105 of that Act approving electronic
21 surveillance for foreign intelligence purposes. Personnel
22 authorized by this paragraph shall perform such duties re-
23 lating to the consideration of such applications as that
24 Court shall direct.

1 (e) ~~SUPPLEMENT NOT SUPPLANT.~~—The personnel
 2 authorized by this section are in addition to any other per-
 3 sonnel authorized by law.

4 **SEC. 207. REPORT ON PROCEDURES FOR APPLICATIONS**
 5 **FOR ORDERS APPROVING ELECTRONIC SUR-**
 6 **VEILLANCE.**

7 (a) ~~REVIEW.~~—The Attorney General shall, in con-
 8 sultation with the Foreign Intelligence Surveillance Court
 9 and the Foreign Intelligence Surveillance Court of Review,
 10 review the procedures applicable to the submittal under
 11 section 104 of the Foreign Intelligence Surveillance Act
 12 of 1978 (50 U.S.C. 1804) of applications for orders under
 13 section 105 of that Act (50 U.S.C. 1805) approving elec-
 14 tronic surveillance for foreign intelligence purposes.

15 (b) ~~ELEMENTS.~~—The review required by subsection
 16 (a) shall address the following:

17 (1) The procedures described in subsection (a).

18 (2) The requirements, if any, under such proce-
 19 dures that impose recurring, undue impediments on
 20 the submittal to the Foreign Intelligence Surveil-
 21 lance Court of applications described in subsection
 22 (a), including requirements for the submittal of in-
 23 formation that is unnecessary for that Court in its
 24 consideration of such applications.

1 ~~(3)~~ A determination of recommendations for
 2 legislative or administrative action in light of the
 3 matters addressed under paragraphs ~~(1)~~ and ~~(2)~~.

4 ~~(4)~~ The average length of time, over the pre-
 5 vious calendar year, between—

6 ~~(A)~~ the submittal of a request or rec-
 7 ommendation by a Federal officer to the De-
 8 partment of Justice for an application under
 9 section 104 of the Foreign Intelligence Surveil-
 10 lance Act of 1978 for an order under section
 11 105 of that Act; and

12 ~~(B)~~ the decision of the Department of Jus-
 13 tice on such request or recommendation.

14 ~~(5)~~ The requirements imposed by the Depart-
 15 ment of Justice in determining whether to submit an
 16 application under section 104 of the Foreign Intel-
 17 ligence Surveillance Act of 1978 for an order under
 18 section 105 of that Act.

19 ~~(c)~~ MODIFICATION OF PROCEDURES.—

20 ~~(1)~~ IN GENERAL.—If the Attorney General de-
 21 termines as a result of the review required by sub-
 22 section ~~(a)~~ that the procedures described in that
 23 subsection should be modified, including modifica-
 24 tion to address requirements described by subsection
 25 ~~(b)(2)~~, the Attorney General shall prescribe in regu-

1 lations such modifications as the Attorney General
2 considers appropriate. Such modification shall be
3 consistent with the provisions of title I of the For-
4 eign Intelligence Surveillance Act of 1978 (50
5 U.S.C. 1801 et seq.).

6 (2) SCOPE.—Any procedures prescribed under
7 paragraph (1) shall, to the extent practicable, apply
8 uniformly among all elements of the Department of
9 Justice, and among any other element of the United
10 States Government, concerned with the submittal of
11 applications under section 104 of the Foreign Intel-
12 ligence Surveillance Act of 1978 for orders under
13 section 105 of that Act approving electronic surveil-
14 lance for foreign intelligence purposes.

15 (d) REPORT.—Not later than 90 days after the effec-
16 tive date of this Act, the Attorney General shall submit
17 to the Committee on the Judiciary and the Select Com-
18 mittee on Intelligence of the Senate and the Committee
19 the Judiciary and the Permanent Select Committee on In-
20 telligence of the House of Representatives a report setting
21 forth the procedures applicable to applications under sec-
22 tion 104 of the Foreign Intelligence Surveillance Act of
23 1978 for orders under section 105 of that Act approving
24 electronic surveillance for foreign intelligence purposes, in-

cluding any modification to such procedures prescribed under subsection (c).

SEC. 208. TRAINING OF FEDERAL BUREAU OF INVESTIGATION AND NATIONAL SECURITY AGENCY PERSONNEL IN FOREIGN INTELLIGENCE SURVEILLANCE MATTERS.

The Director of the Federal Bureau of Investigation and the Director of the National Security Agency shall each, in consultation with the Attorney General—

(1) develop regulations to establish procedures for conducting and seeking approval of electronic surveillance on an emergency basis, and for preparing and properly submitting and receiving applications and orders, under sections 104 and 105 of the Foreign Intelligence Surveillance Act of 1978; and

(2) prescribe related training for the personnel of the applicable agency.

SEC. 209. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME.

Section 111 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811) is amended by striking “following a declaration of war by the Congress” and inserting “following any of the following:

“(1) A declaration of war by the Congress.

1 ~~“(2) An authorization for the use of military~~
 2 ~~force within the meaning of section 2(e)(2) of the~~
 3 ~~War Powers Resolution (50 U.S.C. 1541(e)(2)).~~

4 ~~“(3) A national emergency created by attack~~
 5 ~~upon the United States, its territories or posses-~~
 6 ~~sions, or the Armed Forces within the meaning of~~
 7 ~~section 2(e)(3) of the War Powers Resolution (50~~
 8 ~~U.S.C. 1541(e)(3)).”.~~

9 **TITLE III—OTHER MATTERS**

10 ~~SEC. 301. DEFINITIONS.~~

11 ~~In this Act:~~

12 ~~(1) The term “congressional intelligence com-~~
 13 ~~mittees” means—~~

14 ~~(A) the Select Committee on Intelligence of~~
 15 ~~the Senate; and~~

16 ~~(B) the Permanent Select Committee on~~
 17 ~~Intelligence of the House of Representatives.~~

18 ~~(2) The term “Foreign Intelligence Surveillance~~
 19 ~~Court” means the court established by section~~
 20 ~~103(a) of the Foreign Intelligence Surveillance Act~~
 21 ~~of 1978 (50 U.S.C. 1803(a)).~~

22 ~~(3) The term “Foreign Intelligence Surveillance~~
 23 ~~Court of Review” means the court established by~~
 24 ~~section 103(b) of the Foreign Intelligence Surveil-~~
 25 ~~lance Act of 1978 (50 U.S.C. 1803(b)).~~

1 (4) The term “United States person” has the
 2 meaning given such term in section 101(i) of the
 3 Foreign Intelligence Surveillance Act of 1978 (50
 4 U.S.C. 1801(i)).

5 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated such sums as
 7 may be necessary to carry out this Act and the amend-
 8 ments made by this Act.

9 **SEC. 303. EFFECTIVE DATE.**

10 (a) ~~IN GENERAL.~~—Except as provided in subsection
 11 (b), this Act, and the amendments made by this Act, shall
 12 take effect on the date that is 30 days after the date of
 13 the enactment of this Act.

14 (b) ~~INFORMATION ON TERRORIST SURVEILLANCE~~
 15 ~~PROGRAM.~~—Section 104 shall take effect on the date of
 16 the enactment of this Act.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Foreign Intelligence*
 19 *Surveillance Improvement and Enhancement Act of 2006”.*

1 **TITLE I—CONSTRUCTION OF**
 2 **FOREIGN INTELLIGENCE SUR-**
 3 **VEILLANCE AUTHORITY**

4 **SEC. 101. REITERATION OF CHAPTERS 119, 121, AND 206 OF**
 5 **TITLE 18, UNITED STATES CODE, AND FOR-**
 6 **EIGN INTELLIGENCE SURVEILLANCE ACT OF**
 7 **1978 AS EXCLUSIVE MEANS BY WHICH DOMES-**
 8 **TIC ELECTRONIC SURVEILLANCE MAY BE**
 9 **CONDUCTED.**

10 (a) *EXCLUSIVE MEANS.*—Notwithstanding any other
 11 provision of law, chapters 119, 121, and 206 of title 18,
 12 United States Code, and the Foreign Intelligence Surveil-
 13 lance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclu-
 14 sive means by which electronic surveillance (as that term
 15 is defined in section 101(f) of the Foreign Intelligence Sur-
 16 veillance Act of 1978 (50 U.S.C. 1801(f)) may be conducted.

17 (b) *AMENDMENT TO FOREIGN INTELLIGENCE SUR-*
 18 *VEILLANCE ACT OF 1978.*—Section 109(a) of the Foreign
 19 Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a))
 20 is amended by striking “authorized by statute” each place
 21 it appears and inserting “authorized by this title or chapter
 22 119, 121 or 206 of title 18, United States Code”.

23 (c) *AMENDMENT TO TITLE 18, UNITED STATES*
 24 *CODE.*—Section 2511(2)(a)(ii)(B) of title 18, United States
 25 Code, is amended by striking “statutory requirements” and

1 inserting “requirements under the Foreign Intelligence Sur-
 2 veillance Act of 1978 (50 U.S.C. 1801 et seq.), this chapter,
 3 or chapters 121 or 206 of this title”.

4 **SEC. 102. SPECIFIC AUTHORIZATION REQUIRED FOR ANY**
 5 **REPEAL OR MODIFICATION OF TITLE I OF**
 6 **THE FOREIGN INTELLIGENCE SURVEILLANCE**
 7 **ACT OF 1978.**

8 (a) *IN GENERAL.*—Title I of the Foreign Intelligence
 9 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amend-
 10 ed by inserting after section 109 the following new section:

11 “SPECIFIC AUTHORIZATION REQUIRED FOR ANY REPEAL
 12 OR MODIFICATION OF TITLE

13 “SEC. 109A. No provision of law shall be construed
 14 to implicitly repeal or modify this title or any provision
 15 thereof, nor shall any provision of law be deemed to repeal
 16 or modify this title in any manner unless such provision
 17 of law, if enacted after the date of the enactment of the For-
 18 eign Intelligence Surveillance Improvement and Enhance-
 19 ment Act of 2006, expressly amends or otherwise specifically
 20 cites this title.”.

21 (b) *CLERICAL AMENDMENT.*—The table of contents for
 22 that Act is amended by inserting after the item relating
 23 to section 109 the following new item:

“Sec. 109A. Specific authorization required for any repeal or modification of
 title.”.

1 **SEC. 103. INFORMATION FOR CONGRESS ON THE TER-**
2 **RORIST SURVEILLANCE PROGRAM AND SIMI-**
3 **LAR PROGRAMS.**

4 *As soon as practicable after the date of the enactment*
5 *of this Act, but not later than seven days after such date,*
6 *the President shall brief and inform each member of the*
7 *congressional intelligence committees on the following:*

8 *(1) The Terrorist Surveillance Program of the*
9 *National Security Agency.*

10 *(2) Any program which involves, whether in*
11 *part or in whole, the electronic surveillance of United*
12 *States persons in the United States for foreign intel-*
13 *ligence purposes, and which is conducted by any de-*
14 *partment, agency, or other element of the United*
15 *States Government, or by any entity at the direction*
16 *of a department, agency, or other element of the*
17 *United States Government, without fully complying*
18 *with the procedures set forth in the Foreign Intel-*
19 *ligence Surveillance Act of 1978 (50 U.S.C. 1801 et*
20 *seq.) or chapter 119, 121, or 206 of title 18, United*
21 *States Code.*

1 **TITLE II—APPLICATIONS AND**
 2 **PROCEDURES FOR ELEC-**
 3 **TRONIC SURVEILLANCE FOR**
 4 **FOREIGN INTELLIGENCE PUR-**
 5 **POSES**

6 **SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR**
 7 **ORDERS FOR EMERGENCY ELECTRONIC SUR-**
 8 **VEILLANCE.**

9 *Section 105(f) of the Foreign Intelligence Surveillance*
 10 *Act of 1978 (50 U.S.C. 1805(f)) is amended by striking “72*
 11 *hours” both places it appears and inserting “168 hours”.*

12 **SEC. 202. DELEGATION OF AUTHORITY TO APPROVE APPLI-**
 13 **CATIONS FOR ELECTRONIC SURVEILLANCE.**

14 *(a) IN GENERAL.—Section 104 of the Foreign Intel-*
 15 *ligence Surveillance Act of 1978 (50 U.S.C. 1804) is amend-*
 16 *ed—*

17 *(1) in subsection (a), by striking “Attorney Gen-*
 18 *eral based upon his finding” and inserting “Attorney*
 19 *General (or a delegate of the Attorney General under*
 20 *subsection (f)) based upon a finding”; and*

21 *(2) by adding at the end the following new sub-*
 22 *section:*

23 *“(f) The Attorney General may delegate the authority*
 24 *to approve an application under this section for an order*

1 *approving electronic surveillance under this title to each of*
 2 *the following:*

3 “(1) *The Deputy Attorney General.*

4 “(2) *The Assistant Attorney General for Na-*
 5 *tional Security.*”.

6 (b) *CONFORMING AMENDMENT.*—Section 102(b) of
 7 *such Act (50 U.S.C. 1802(b)) is amended by inserting “(or*
 8 *delegee of the Attorney General under section 104(f))” after*
 9 *“Attorney General”.*

10 ***SEC. 203. ADDITIONAL AUTHORITY FOR EMERGENCY ELEC-***
 11 ***TRONIC SURVEILLANCE.***

12 *Section 105 of the Foreign Intelligence Surveillance*
 13 *Act of 1978 (50 U.S.C. 1805) is amended—*

14 (1) *by redesignating subsections (g), (h), (i), and*
 15 *(j) as subsections (h), (i), (j), and (k), respectively;*
 16 *and*

17 (2) *by inserting after subsection (f) the following*
 18 *new subsection (g):*

19 “(g)(1)(A) *Notwithstanding any other provision of this*
 20 *title and subject to the provisions of this subsection, the At-*
 21 *torney General may, with the concurrence of the Director*
 22 *of National Intelligence, appoint appropriate supervisory*
 23 *or executive personnel within the Federal Bureau of Inves-*
 24 *tigation and the National Security Agency to authorize*
 25 *electronic surveillance on a United States person in the*

1 *United States on an emergency basis pursuant to the provi-*
2 *sions of this subsection.*

3 “(B) *For purposes of this subsection, an intelligence*
4 *agent or employee acting under the supervision of a super-*
5 *visor or executive appointed under subparagraph (A) may*
6 *conduct emergency electronic surveillance under this sub-*
7 *section if such supervisor or executive reasonably deter-*
8 *mines that—*

9 “(i) *an emergency situation exists with respect to*
10 *the employment of electronic surveillance to obtain*
11 *foreign intelligence information before an order au-*
12 *thorizing such surveillance can with due diligence be*
13 *obtained; and*

14 “(ii) *the factual basis exists for the issuance of*
15 *an order approving such surveillance under this title.*

16 “(2) *The supervisors and executives appointed by the*
17 *Attorney General under paragraph (1) may only be officials*
18 *as follows:*

19 “(A) *In the case of the Federal Bureau of Inves-*
20 *tigation, officials at or above the level of Special*
21 *Agent in Charge.*

22 “(B) *In the case of the National Security Agen-*
23 *cy, officials at or above the level of head of branch of*
24 *the National Security Agency.*

1 “(3) *A supervisor or executive responsible for the emer-*
2 *gency employment of electronic surveillance under this sub-*
3 *section shall submit to the Attorney General (and, if author-*
4 *ized by the Attorney General, to the Deputy Attorney Gen-*
5 *eral and the Assistant Attorney General for National Secu-*
6 *rity) a request for approval of the surveillance within 24*
7 *hours of the commencement of the surveillance. The request*
8 *shall set forth the ground for the belief specified in para-*
9 *graph (1), together with such other information as the At-*
10 *torney General shall require.*

11 “(4)(A) *The review of a request under paragraph (3)*
12 *shall be completed by the official concerned under that para-*
13 *graph as soon as practicable, but not more than 72 hours*
14 *after the commencement of the electronic surveillance con-*
15 *cerned under paragraph (1).*

16 “(B)(i) *If the official concerned determines that the*
17 *electronic surveillance does not meet the requirements of*
18 *paragraph (1), the surveillance shall terminate immediately*
19 *and may not be recommenced by any supervisor or execu-*
20 *tive appointed under paragraph (1), or any agent or em-*
21 *ployee acting under the supervision of such supervisor or*
22 *executive, absent additional facts or changes in cir-*
23 *cumstances that lead a supervisor or executive appointed*
24 *under paragraph (1) to reasonably believe that the require-*
25 *ments of paragraph (1) are satisfied.*

1 “(ii) *In the event of a determination under clause (i),*
2 *the Attorney General shall not be required, under section*
3 *106(j), to notify any United States person of the fact that*
4 *the electronic surveillance covered by such determination*
5 *was conducted before the termination of the surveillance*
6 *under that clause. However, the official making such deter-*
7 *mination shall notify the court established by section 103(a)*
8 *of such determination, and shall also provide notice of such*
9 *determination in the first report that is submitted under*
10 *section 108(a) after such determination is made.*

11 “(C) *If the official concerned determines that the sur-*
12 *veillance meets the requirements of subsection (f), the sur-*
13 *veillance may continue, subject to the requirements of para-*
14 *graph (5).*

15 “(5)(A) *An application in accordance with this title*
16 *shall be made to a judge having jurisdiction under section*
17 *103 as soon as practicable but not more than 168 hours*
18 *after the commencement of electronic surveillance under*
19 *paragraph (1).*

20 “(B) *In the absence of a judicial order approving elec-*
21 *tronic surveillance commenced under paragraph (1), the*
22 *surveillance shall terminate at the earlier of—*

23 “(i) *when the information sought is obtained; or*

1 “(ii) when the application under subparagraph
2 (A) for an order approving the surveillance is denied;
3 or

4 “(iii) 168 hours after the commencement of the
5 surveillance, unless an application under subpara-
6 graph (A) is pending, in which case the surveillance
7 may continue for up to an additional 24 hours while
8 the judge has the application under advisement.

9 “(C) If an application under subparagraph (A) for an
10 order approving electronic surveillance commenced under
11 paragraph (1) is denied, or in any other case in which the
12 surveillance is terminated and no order approving the sur-
13 veillance is issued by a court, the use of information ob-
14 tained or evidence derived from the surveillance shall be
15 governed by the provisions of subsection (f).

16 “(D) The denial of an application submitted under
17 subparagraph (A) may be reviewed as provided in section
18 103.

19 “(6) Any person who engages in the emergency em-
20 ployment of electronic surveillance under paragraph (1)
21 shall follow the minimization procedures otherwise required
22 by this title for the issuance of a judicial order approving
23 the conduct of electronic surveillance.

24 “(7) Not later than 30 days after appointing super-
25 visors and executives under paragraph (1) to authorize the

1 *exercise of authority in that paragraph, the Attorney Gen-*
 2 *eral, in consultation with the Director of National Intel-*
 3 *ligence, shall submit to the Foreign Intelligence Surveil-*
 4 *lance Court and the congressional intelligence committees,*
 5 *and bring up to date as required, a report that—*

6 “(A) identifies the number of supervisors and ex-
 7 ecutives who have been so appointed and the positions
 8 held by such supervisors and executives; and

9 “(B) sets forth guidelines or other directives that
 10 describe the responsibilities of such supervisors and
 11 executives under this subsection.”.

12 **SEC. 204. FOREIGN INTELLIGENCE SURVEILLANCE COURT**
 13 **MATTERS.**

14 (a) *AUTHORITY FOR ADDITIONAL JUDGES.*—Section
 15 *103(a) of the Foreign Intelligence Surveillance Act of 1978*
 16 *(50 U.S.C. 1803(a)) is amended—*

17 (1) *by inserting “(1)” after “(a)”;*

18 (2) *in paragraph (1), as so designated, by insert-*
 19 *ing “at least” before “seven of the United States judi-*
 20 *cial circuits”;*

21 (3) *by designating the second sentence as para-*
 22 *graph (4) and indenting such paragraph, as so des-*
 23 *ignated, two ems from the left margin; and*

24 (4) *by inserting after paragraph (1), as so des-*
 25 *ignated, the following new paragraph:*

1 “(2) *In addition to the judges designated under para-*
 2 *graph (1), the Chief Justice of the United States may des-*
 3 *ignate as judges of the court established by paragraph (1)*
 4 *such judges appointed under Article III of the Constitution*
 5 *of the United States as the Chief Justice determines appro-*
 6 *priate in order to provide for the prompt and timely consid-*
 7 *eration under section 105 of applications under section 104*
 8 *for electronic surveillance under this title. Any judge des-*
 9 *ignated under this paragraph shall be designated pub-*
 10 *licly.”.*

11 **(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—**
 12 *Such section is further amended by inserting after para-*
 13 *graph (2), as added by subsection (a)(3) of this section, the*
 14 *following new paragraph:*

15 “(3) *A judge of the court shall make a determination*
 16 *to approve, deny, or seek modification of an application*
 17 *submitted pursuant to section subsection (f) or (g) of section*
 18 *105 not later than 24 hours after the receipt of such appli-*
 19 *cation by the court.”.*

20 **SEC. 205. DOCUMENT MANAGEMENT SYSTEM FOR APPLICA-**
 21 **TIONS FOR ORDERS APPROVING ELECTRONIC**
 22 **SURVEILLANCE.**

23 **(a) SYSTEM REQUIRED.—***The Attorney General shall,*
 24 *in consultation with the Director of the Federal Bureau of*
 25 *Investigation, the Director of the National Security Agency,*

1 *and the Foreign Intelligence Surveillance Court, develop*
 2 *and implement a secure, classified document management*
 3 *system that permits the prompt preparation, modification,*
 4 *and review by appropriate personnel of the Department of*
 5 *Justice, the Federal Bureau of Investigation, the National*
 6 *Security Agency, and other applicable elements of the*
 7 *United States Government of applications under section*
 8 *104 of the Foreign Intelligence Surveillance Act of 1978 (50*
 9 *U.S.C. 1804) before their submittal to the Foreign Intel-*
 10 *ligence Surveillance Court.*

11 (b) *SCOPE OF SYSTEM.—The document management*
 12 *system required by subsection (a) shall—*

13 (1) *permit and facilitate the prompt submittal of*
 14 *applications to the Foreign Intelligence Surveillance*
 15 *Court under section 104 or 105(g)(5) of the Foreign*
 16 *Intelligence Surveillance Act of 1978; and*

17 (2) *permit and facilitate the prompt transmittal*
 18 *of rulings of the Foreign Intelligence Surveillance*
 19 *Court to personnel submitting applications described*
 20 *in paragraph (1).*

21 **SEC. 206. ADDITIONAL PERSONNEL FOR PREPARATION AND**
 22 **CONSIDERATION OF APPLICATIONS FOR OR-**
 23 **DERS APPROVING ELECTRONIC SURVEIL-**
 24 **LANCE.**

25 (a) *OFFICE OF INTELLIGENCE POLICY AND REVIEW.—*

1 (1) *ADDITIONAL PERSONNEL.*—*The Office of In-*
2 *telligence Policy and Review of the Department of*
3 *Justice is hereby authorized such additional per-*
4 *sonnel, including not fewer than 21 full-time attor-*
5 *neys, as may be necessary to carry out the prompt*
6 *and timely preparation, modification, and review of*
7 *applications under section 104 of the Foreign Intel-*
8 *ligence Surveillance Act of 1978 (50 U.S.C. 1804) for*
9 *orders under section 105 of that Act (50 U.S.C. 1805)*
10 *approving electronic surveillance for foreign intel-*
11 *ligence purposes.*

12 (2) *ASSIGNMENT.*—*The Attorney General shall*
13 *assign personnel authorized by paragraph (1) to and*
14 *among appropriate offices of the National Security*
15 *Agency in order that such personnel may directly as-*
16 *sist personnel of the Agency in preparing applications*
17 *described in that paragraph.*

18 (b) *FEDERAL BUREAU OF INVESTIGATION.*—

19 (1) *ADDITIONAL LEGAL AND OTHER PER-*
20 *SONNEL.*—*The National Security Branch of the Fed-*
21 *eral Bureau of Investigation is hereby authorized such*
22 *additional legal and other personnel as may be nec-*
23 *essary to carry out the prompt and timely prepara-*
24 *tion of applications under section 104 of the Foreign*
25 *Intelligence Surveillance Act of 1978 for orders under*

1 *section 105 of that Act approving electronic surveil-*
2 *lance for foreign intelligence purposes.*

3 (2) *ASSIGNMENT.—The Director of the Federal*
4 *Bureau of Investigation shall assign personnel au-*
5 *thorized by paragraph (1) to and among the field of-*
6 *fices of the Federal Bureau of Investigation in order*
7 *that such personnel may directly assist personnel of*
8 *the Bureau in such field offices in preparing applica-*
9 *tions described in that paragraph.*

10 (c) *ADDITIONAL LEGAL AND OTHER PERSONNEL FOR*
11 *NATIONAL SECURITY AGENCY.—The National Security*
12 *Agency is hereby authorized such additional legal and other*
13 *personnel as may be necessary to carry out the prompt and*
14 *timely preparation of applications under section 104 of the*
15 *Foreign Intelligence Surveillance Act of 1978 for orders*
16 *under section 105 of that Act approving electronic surveil-*
17 *lance for foreign intelligence purposes.*

18 (d) *ADDITIONAL LEGAL AND OTHER PERSONNEL FOR*
19 *FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is*
20 *hereby authorized for the Foreign Intelligence Surveillance*
21 *Court such additional staff personnel as may be necessary*
22 *to facilitate the prompt and timely consideration by that*
23 *Court of applications under section 104 of the Foreign In-*
24 *telligence Surveillance Act of 1978 for orders under section*
25 *105 of that Act approving electronic surveillance for foreign*

1 *intelligence purposes. Personnel authorized by this para-*
 2 *graph shall perform such duties relating to the consider-*
 3 *ation of such applications as that Court shall direct.*

4 *(e) SUPPLEMENT NOT SUPPLANT.—The personnel au-*
 5 *thorized by this section are in addition to any other per-*
 6 *sonnel authorized by law.*

7 **SEC. 207. TRAINING OF FEDERAL BUREAU OF INVESTIGA-**
 8 **TION AND NATIONAL SECURITY AGENCY PER-**
 9 **SONNEL IN FOREIGN INTELLIGENCE SUR-**
 10 **VEILLANCE MATTERS.**

11 *The Director of the Federal Bureau of Investigation*
 12 *and the Director of the National Security Agency shall each,*
 13 *in consultation with the Attorney General—*

14 *(1) develop regulations to establish procedures for*
 15 *conducting and seeking approval of electronic surveil-*
 16 *lance on an emergency basis, and for preparing and*
 17 *properly submitting and receiving applications and*
 18 *orders, under sections 104 and 105 of the Foreign In-*
 19 *telligence Surveillance Act of 1978; and*

20 *(2) prescribe related training for the personnel of*
 21 *the applicable agency.*

22 **SEC. 208. ENHANCEMENT OF ELECTRONIC SURVEILLANCE**
 23 **AUTHORITY IN WARTIME.**

24 *Section 111 of the Foreign Intelligence Surveillance*
 25 *Act of 1978 (50 U.S.C. 1811) is amended by striking “fol-*

1 *lowing a declaration of war by the Congress” and inserting*
 2 *“following any of the following:*

3 *“(1) A declaration of war by the Congress.*

4 *“(2) An authorization for the use of military*
 5 *force within the meaning of section 2(c)(2) of the War*
 6 *Powers Resolution (50 U.S.C. 1541(c)(2)).*

7 *“(3) A national emergency created by attack*
 8 *upon the United States, its territories or possessions,*
 9 *or the Armed Forces within the meaning of section*
 10 *2(c)(3) of the War Powers Resolution (50 U.S.C.*
 11 *1541(c)(3)).”.*

12 ***TITLE III—FOREIGN-FOREIGN*** 13 ***COMMUNICATIONS***

14 ***SEC. 301. ACQUISITION OF FOREIGN-FOREIGN COMMUNICA-*** 15 ***TIONS.***

16 *(a) IN GENERAL.—Notwithstanding any other provi-*
 17 *sion of this Act or the Foreign Intelligence Surveillance Act*
 18 *of 1978 (50 U.S.C. 1801 et seq.), no court order shall be*
 19 *required for the acquisition through electronic surveillance*
 20 *of the contents of any communication between one person*
 21 *who is not located within the United States and another*
 22 *person who is not located within the United States for the*
 23 *purpose of collecting foreign intelligence information even*
 24 *if such communication passes through, or the surveillance*
 25 *device is located within, the United States.*

1 (b) *TREATMENT OF INTERCEPTED COMMUNICATIONS*
 2 *INVOLVING DOMESTIC PARTY.*—*If surveillance conducted as*
 3 *described in subsection (a) inadvertently collects a commu-*
 4 *nication in which at least one party is within the United*
 5 *States, the contents of such communications shall be han-*
 6 *dled in accordance with the minimization procedures set*
 7 *forth in section 101(h)(4) of the Foreign Intelligence Sur-*
 8 *veillance Act of 1978 (50 U.S.C. 1801(h)(4)).*

9 (c) *DEFINITIONS.*—*In this section, the terms “con-*
 10 *tents”, “electronic surveillance”, and “foreign intelligence*
 11 *information” have the meaning given such terms in section*
 12 *101 of the Foreign Intelligence Surveillance Act of 1978 (50*
 13 *U.S.C. 1801).*

14 ***TITLE IV—OTHER MATTERS***

15 ***SEC. 401. DEFINITIONS.***

16 *In this Act:*

17 (1) *The term “congressional intelligence commit-*
 18 *tees” means—*

19 (A) *the Select Committee on Intelligence of*
 20 *the Senate; and*

21 (B) *the Permanent Select Committee on In-*
 22 *telligence of the House of Representatives.*

23 (2) *The term “Foreign Intelligence Surveillance*
 24 *Court” means the court established by section 103(a)*

1 *of the Foreign Intelligence Surveillance Act of 1978*
2 *(50 U.S.C. 1803(a)).*

3 *(3) The term “Foreign Intelligence Surveillance*
4 *Court of Review” means the court established by sec-*
5 *tion 103(b) of the Foreign Intelligence Surveillance*
6 *Act of 1978 (50 U.S.C. 1803(b)).*

7 *(4) The term “United States person” has the*
8 *meaning given such term in section 101(i) of the For-*
9 *ign Intelligence Surveillance Act of 1978 (50 U.S.C.*
10 *1801(i)).*

11 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

12 *There is authorized to be appropriated such sums as*
13 *may be necessary to carry out this Act and the amendments*
14 *made by this Act.*

15 **SEC. 403. EFFECTIVE DATE.**

16 *Except as provided in section 103, this Act, and the*
17 *amendments made by this Act, shall take effect on the date*
18 *that is 30 days after the date of the enactment of this Act.*

Calendar No. 610

109TH CONGRESS
2^D Session

S. 3001

A BILL

To ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

SEPTEMBER 13, 2006

Reported with an amendment